IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO.219 of 2005

Between:

R. Tata Rao S/o Akkayya
R/o 2-1-15, Varahalayyapeta, Peddapuram, East Godavari district

..... PETITIONER

AND

1. Andhra Bank rep. by its General manager (Personnel Department), Central Office, Sultan Bazaar, Hyderabad

2. The Regional Manager, Andhra Bank, Regional Officer, Kakinada

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of mandamus directing the respondents to regularize the services of the petitioner forthwith in the post of Sub Staff and to pass such other order or orders

Counsel for the Petitioner:MRS.S.NANDA

Counsel for the Respondent Nos.1 and 2: MR.NUTY RAM MOHAN RAO

The Court at the admission stage made the following Order:

This writ petition is filed seeking a direction to respondents to regularize the service of the petitioner as Sub-staff in the respondent-Bank.

The petitioner stated in the affidavit filed along with the present writ petition that he joined the respondent-Bank as a Temporary Sub-staff in the year 1982 and worked in various branches of the respondent-Bank. It is further stated that as per the circular dated 11.03.1987, a panel of Temporary Sub-Staff Members has been approved by Central Office and that his name is at serial No.60 in the Empanelment List prepared by the respondent-Bank. Though the respondent-Bank promoted several persons working as sub-staff, the petitioner's case was not considered for promotion. Therefore, he approached this Court by way of filing the present writ petition.

Heard the learned counsel for both the parties and perused the material available on record.

Learned counsel for the respondents submitted that a scheme has been formulated by virtue of memorandum of settlement dated 09.01.1995 arrived at under Section 12(3) of the Industrial Disputes Act, 1947 between the respondent-Bank and the employees' Union of the respondent-Bank regarding the Empanelment and

absorption of temporary candidates in sub-ordinate cadre. He contended that the name of the petitioner would be considered at the appropriate time after considering the names of the persons who are seniors to him.

One of the terms of the settlement dated 09.01.1995 reads as under:

> *"The Bank will engage the services of the empanelled candidates under this settlement along with already existing panel candidates, if any, in leave vacancies in their respective district by rotation for a maximum period of 30 days at a stretch till such time, the scope for their absorption arises."*

Though the grievance of the petitioner is that he is not given regular employment, he did not bring to the notice of this Court any violation, on the part of the respondent-Bank, of any of the terms of the said settlement dated 09.01.1995.

In the light of the facts and circumstances of the case, the only direction that could be given to the respondent-Bank is that it shall consider the candidature of the petitioner at the appropriate time as per the terms of the said settlement and the existing Rules.

The writ petition is accordingly disposed of at the stage of admission. No order as to costs.

19.01.2005

Note:CC in two days

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To

1. The General manager (Personnel Department) Andhra Bank, Central Office, Sultan Bazaar, Hyderabad

2. The Regional Manager, Andhra Bank, Regional Officer, Kakinada.

3. Two CD copies.